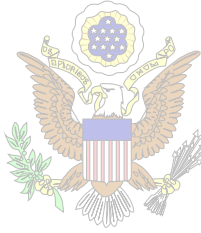


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LAWRENCE K. BAERMAN
Clerk

JOHN M. DOMURAD
Chief Deputy



James M. Hanley Federal Building
P.O. Box 7367, 100 S. Clinton St.
Syracuse, New York 13261-7367
(315) 234-8500
Fax (315) 234-8501

June 22, 2005

Mark D. Suben

Office of Mark D. Suben
Cortland Savings Bank Building
One North Main Street
3rd Floor
Cortland, NY 13045

Re: United States v. David Falso- 3:05-CR-270 (TJM)

Dear Attorney Suben:

An Indictment has been electronically filed in the above referenced case dated June 16, 2005 regarding your client. In the event the defendant wishes to waive appearance for an arraignment, both the defendant and defendant's counsel **must complete and return the enclosed form by June 29, 2005. If the court does not receive the form by the above date the court will IMMEDIATELY schedule the arraignment of your client.** Because of Speedy Trial issues, the court appearance for arraignment may be scheduled with very little advance notice.

If you wish to schedule an arraignment, please contact me **immediately** at (315) 234-8623.

Very truly yours,

LAWRENCE K. BAERMAN, Clerk

By: Shelly Lazzaro
Courtroom Deputy

Enclosures: Waiver Form and Indictment
cc: Miroslav Lovric, AUSA, Carl Boykin, AUSA & USPO

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

vs.

Criminal No.
3:05-CR-270 (TJM)

DAVID FALSO

Defendant.

WAIVER OF APPEARANCE AT ARRAIGNMENT

David Falso the defendant in the above captioned matter, hereby acknowledges that he/she has reviewed a copy of the superseding indictment in this matter, has consulted with counsel concerning his/her right to a formal arraignment upon the superseding indictment filed in the above captioned matter, pursuant to Rule 10 of the Federal Rules of Criminal Procedure, and waives his/her right to appear at a formal arraignment and enters a plea of not guilty to all charges contained within the superseding indictment.

DEFENDANT:

Dated: _____

[David Falso]

DEFENDANT'S COUNSEL:

Dated: _____

[Mark Suben, Esq.]